



PATENT

PO BOX

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 00-713-i12)

In the Application of:

Mirkin *et al.*)
Serial No. 09/975,376)
Filed: October 11, 2001)
For: Nanoparticles Having Oligonucleotides)
Attached Thereto and Uses Therefor)
Examiner: J. Riley
Group Art Unit: 1656
Confirmation No.: 9821

U.S. Patent and Trademark Office
Box Sequence, P.O. Box 2327
Arlington, VA 22202

Sir:

TRANSMITTAL LETTER

In regard to the above identified application:

1. We are transmitting herewith the attached

- a. Response to Notice to Comply dated April 22, 2002
- b. Copy of the Notice to Comply
- c. Substitute Sequence Listing (paper copy and computer readable form on 3.5" diskette)
- d. Return Receipt Postcard

2. With respect to additional fees:

X A. No additional fee is required.
 B. Attached is a check in the amount of \$_____.

3. General Authorization: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: U.S. Patent and Trademark Office Box Sequence, P.O. Box 2327 Arlington, VA 22202 on this day of May, 2002.

Date: May 1, 2002

By _____

Emily Miao
Reg. No. 35,285



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/975,376	10/11/2001	Chad A. Mirkin	00-713-i12

CONFIRMATION NO. 9821
FORMALITIES LETTER

Emily Miao
McDonnell Boehnen Hulbert & Berghoff
32nd Floor
300 S. Wacker Drive
Chicago, IL 60606



OC000000007920067

Date Mailed: 04/22/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

*A copy of this notice **MUST** be returned with the reply.*

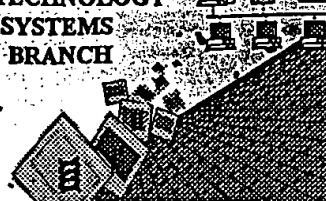
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE



BIOTECHNOLOGY
SYSTEMS
BRANCH

6080
05/90
03/9

RAW SEQUENCE LISTING ERROR REPORT



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/975,376
Source: 1652
Date Processed by STIC: 3-4-2002

RECEIVED
-- MAR 19 2002
TECH CENTER 1600/2900

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
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FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

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Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002



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MAR 19 2002

TECH CENTER 1600/2900

Raw Sequence Listing Error Summary

ERROR DETECTED SUGGESTED CORRECTION SERIAL NUMBER: 09/975, 376

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 Wrapped Nucleic
 Wrapped Aminos The number/text at the end of each line "wrapped" down to the next line. This may occur if your file was retrieved in a word processor after creating it. Please adjust your right margin to .3; this will prevent "wrapping."
- 2 Invalid Line Length The rules require that a line not exceed 72 characters in length. This includes white spaces.
- 3 Misaligned Amino
 Numbering The numbering under each 5th amino acid is misaligned. Do not use tab codes between numbers; use space characters, instead.
- 4 Non-ASCII The submitted file was not saved in ASCII(DOS) text, as required by the Sequence Rules. Please ensure your subsequent submission is saved in ASCII text.
- 5 Variable Length Sequence(s) _____ contain n's or Xaa's representing more than one residue. Per Sequence Rules, each n or Xaa can only represent a single residue. Please present the maximum number of each residue having variable length and indicate in the <20>-<23> section that some may be missing.
- 6 PatentIn 2.0
 "bug" A "bug" in PatentIn version 2.0 has caused the <20>-<23> section to be missing from amino acid sequences(s) _____. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <20>-<23> section to the subsequent amino acid sequence. This applies to the mandatory <20>-<23> sections for Artificial or Unknown sequences.
- 7 Skipped Sequences
(OLD RULES) Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence:
(2) INFORMATION FOR SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
(i) SEQUENCE CHARACTERISTICS: (Do not insert any subheadings under this heading)
(xi) SEQUENCE DESCRIPTION: SEQ ID NO:X: (insert SEQ ID NO where "X" is shown)
This sequence is intentionally skipped

Please also adjust the "(ii) NUMBER OF SEQUENCES:" response to include the skipped sequences.
- 8 Skipped Sequences
(NEW RULES) Sequence(s) _____ missing. If intentional, please insert the following lines for each skipped sequence.
<210> sequence id number
<400> sequence id number
000
- 9 Use of n's or Xaa's
(NEW RULES) Use of n's and/or Xaa's have been detected in the Sequence Listing.
Per 1.823 of Sequence Rules, use of <20>-<23> is MANDATORY if n's or Xaa's are present.
In <20> to <23> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 10 Invalid <213>
Response Per 1.823 of Sequence Rules, the only valid <213> responses are: Unknown, Artificial Sequence, or scientific name (Genus/species). <20>-<23> section is required when <213> response is Unknown or is Artificial Sequence
- 11 Use of <220> Sequence(s) _____ missing the <220> "Feature" and associated numeric identifiers and responses.
Use of <220> to <23> is MANDATORY if <213> "Organism" response is "Artificial Sequence" or "Unknown." Please explain source of genetic material in <220> to <23> section.
(See "Federal Register," 06/01/1998, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of Sequence Rules)
- 12 PatentIn 2.0
 "bug" Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing). Instead, please use "File Manager" or any other manual means to copy file to floppy disk.



1656

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/975,376

DATE: 03/04/2002
TIME: 14:54:56

Input Set : A:\00-713-i12seq list.txt
Output Set: N:\CRF3\03042002\I975376.raw

Does Not Comply

Corrected Diskette Needed

3 <110> APPLICANT: Mirkin, Chad A.
 4 Letsinger, Robert L.
 5 Mucic, Robert C.
 6 Storhoff, James J.
 7 Elghanian, Robert
 8 Taton, Thomas A.
 10 <120> TITLE OF INVENTION: NANOPARTICLES HAVING OLIGONUCLEOTIDES ATTACHED THERETO
 11 AND USES THEREFOR
 13 <130> FILE REFERENCE: 00-713-i12
 15 <140> CURRENT APPLICATION NUMBER: 09/975,376
 16 <141> CURRENT FILING DATE: 2001-10-11
 18 <150> PRIOR APPLICATION NUMBER: 09/603,830
 19 <151> PRIOR FILING DATE: 2000-06-26
 21 <150> PRIOR APPLICATION NUMBER: 09/344,667
 22 <151> PRIOR FILING DATE: 1999-06-25
 24 <150> PRIOR APPLICATION NUMBER: 09/240,755
 25 <151> PRIOR FILING DATE: 1999-01-29
 27 <150> PRIOR APPLICATION NUMBER: PCT/US97/12783
 28 <151> PRIOR FILING DATE: 1997-07-21
 30 <150> PRIOR APPLICATION NUMBER: 60/031,809
 31 <151> PRIOR FILING DATE: 1996-07-29
 33 <150> PRIOR APPLICATION NUMBER: 60/200,161
 34 <151> PRIOR FILING DATE: 2000-04-26
 36 <160> NUMBER OF SEQ ID NOS: 64
 38 <170> SOFTWARE: Microsoft Word 2000

ERRORED SEQUENCES

763 <210> SEQ ID NO: 57
 764 <211> LENGTH: 12
 765 <212> TYPE: DNA
 766 <213> ORGANISM: Anthrax
 768 <400> SEQUENCE: 57

E--> 769 taacaatnat cc

12

All 'n' must be explained in feature,
 numeric identifiers <2207 - <2237>. See item # 9
 on Error Summary Sheet.

VERIFICATION SUMMARY

PATENT APPLICATION: US/09/975,376

DATE: 03/04/2002

TIME: 14:54:57

Input Set : A:\00-713-i12seq list.txt

Output Set: N:\CRF3\03042002\I975376.raw

L:769 M:340 E: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:57